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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,956	02/15/2001	Juha Kolmonen	PM276563	1383

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EXAMINER	
YUN, EUGENE	

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,956	KOLMONEN, JUHA	
	Examiner	Art Unit	
	Eugene Yun	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-23 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 15 February 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruhn (US 6,347,081).

Referring to Claim 1, Bruhn teaches a transmission method used in a radio system comprising a base transceiver station acting as a transceiver and subscriber terminals acting as transceivers (see fig. 1 where it is known in the art

that any system operating in the GSM standard includes a base station transceiver and subscriber terminals acting as transceivers) which are connected to each other by means of a signal propagating through the base transceiver station, which signal contains speech or data which is coded before it is transmitted to the radio path and decoded when it is received from the radio path (see col. 2, lines 30-40), and in which radio system the signal establishing the connection is transmitted in a radio channel formed for each connection (see col. 3, lines 35-42), characterized by

Measuring the radio channel (see col. 5, lines 20-29) and transmitting a control signal on the basis of the measurement results from a transceiver in DTX mode (see col. 5, lines 50-60) to a transceiver with which the transceiver in DTX mode has formed the radio channel (see col. 6, lines 53-65), and transmitting the control signal at a power level which is lower than the power level used in transmitting speech or data signals (see col. 5, lines 38-40), and

Updating with the received control signals the operating parameters of the transceiver forming the radio channel to the transceiver in DTX mode (see col. 6, lines 24-29).

Claim 12 has similar limitations to Claim 1.

Referring to Claims 2 and 13, Bruhn also teaches coding and decoding parameters which affect the coding and decoding rate of the transceiver (see col. 3, lines 44-50).

Referring to Claims 3 and 14, Bruhn also teaches the speech coding and decoding rates altered by updating the operating parameters (see col. 3, lines 44-50).

Referring to Claims 4 and 15, Bruhn also teaches the channel coding and decoding rates altered by updating the operating parameters (see col. 3, lines 58-60).

Referring to Claims 5 and 16, Bruhn also teaches the control data of the coding of the signal transmitted to the radio path and the control data of the decoding of the signal received from the radio path are updated, whereby the adaptation rate of coding and decoding can be altered (see col. 7, lines 56-60).

Referring to Claims 6 and 17, Bruhn also teaches filter frames transmitted during DTX, from which the status of the radio channel is measured, and when transmitting the filler frames, the transceiver in DTX mode is prevented from sending a control signal (see col. 5, lines 55-60).

Referring to Claims 7 and 18, Bruhn also teaches the coding and decoding done with an AMR codec whose adaptation to the signal being coded or decoded is controlled with control signals (see col. 2, lines 4-7).

Referring to Claims 8 and 19, Bruhn also teaches that during DTX, SID frames and L2 filler frames are transmitted at the same power level as speech and data signals, and the status of the radio channel is measured from the SID frames and L2 filler frames (see col. 3, lines 66-67 and col. 4, lines 1-9).

Referring to Claim 9, Bruhn also teaches that during DTX, a signal is transmitted, from which the status of the radio channel is measured, and status

data of the radio channel is transmitted in a control signal on the basis of the measurement results obtained from the measuring (see col. 4, lines 57-61).

Referring to Claims 10 and 20, Bruhn also teaches that during DTX, signals are transmitted, from which the radio channel is measured, and between the signals used for measuring, a control signal is transmitted in a continuous manner (see col. 2, lines 23-30).

Referring to Claims 11 and 21, Bruhn also teaches that during DTX, signals are transmitted, from which the radio channel is measured, and between the signals used for measuring, a control signal is transmitted in a discontinuous manner (see col. 2, lines 23-30).

Referring to Claim 22, Bruhn also teaches that the transceiver in DTX mode is a base transceiver station which transmits a control signal to a transceiver which is a subscriber terminal (see col. 2, lines 23-35).

Referring to Claim 23, Bruhn also teaches that the transceiver in DTX mode is a subscriber terminal which transmits a control signal to a transceiver which is a base transceiver station (see col. 2, lines 23-35).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eugene Yun
Examiner
Art Unit 2682

EY

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
6/25/04